

ENVIRONMENTAL QUALITY

CHAPTER 4

PROCEDURAL RULES

Sub-Chapter 1

Model Rules

Rule 17.4.101 Model Rules

17.4.102 Procedures for Compliance with MEPA

Sub-Chapter 1

Model Rules

17.4.101 MODEL RULES (1) The department of environmental quality and the board of environmental review herein adopt and incorporate the attorney general's model procedural rules, ARM 1.3.101, 1.3.102, and 1.3.201 through 1.3.233, as amended effective June 4, 1999, including the appendix of sample forms which follows the model rules, except as modified by (2) and (3) below, as authorized by 2-4-302, MCA.

(2) The incorporation of ARM 1.3.206 is modified by the addition of the rules in subchapter 2 of this chapter which incorporate requirements of statutes administered by the department and board.

(3) The incorporation of ARM 1.3.208 is modified by adding the words "or summary" and deleting the words "in full" in (2)(a)(i) so that it will read as follows: "(i) either the text of the rule adopted or amended, reference to the notice of proposed agency action in which the text or summary of the proposed rule or rule as proposed to be amended was printed, or reference to the page number of the Administrative Rules of Montana on which the repealed rule appears.

(4) ARM 1.3.101 and 1.3.102 are procedural rules required by MCA chapter implementing Article II, Section 8 of the 1972 Constitution, right of participation. ARM 1.3.201 through 1.3.233 are organizational and procedural rules required by the Montana Administrative Procedure Act. Copies of the model rules may be obtained from the Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901. (History: 2-4-201, 2-4-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; AMD, Eff. 11/4/73; AMD, 1982 MAR p. 383, Eff. 2/26/82; AMD, 1983 MAR p. 1350, Eff. 9/30/83; TRANS, from DHES, 1996 MAR p. 1497; AMD, 2000 MAR p. 472, Eff. 2/11/00.)

17.4.102 PROCEDURES FOR COMPLIANCE WITH MEPA (1) The board of environmental review hereby adopts and incorporates by reference ARM Title 17, chapter 4, subchapters 6 and 7 in their entirety, which set forth procedures for compliance with the environmental impact statement requirements of the Montana Environmental Policy Act, Title 75, chapter 1, MCA. A copy of these rules may be obtained from the Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901.

(2) In those instances in which the board of environmental review determines that the requirements of MEPA are applicable to board actions, the board will follow the procedures set forth in ARM Title 17, chapter 4, subchapters 6 and 7, which are incorporated by reference in (1) of this rule. History: 2-4-201, 75-1-202, MCA; IMP, 75-1-201 through 75-1-205, MCA; NEW, 1982 MAR p. 384, Eff. 2/26/82; TRANS, from DHES, 1996 MAR p. 1497.)

